

Notice of Allowability

Application No.

10/670,863

Applicant(s)

TANUMA ET AL.

Examiner

Charles L. Patterson, Jr.

Art Unit

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 30-47.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/807,784.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

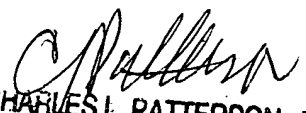
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date ____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____


CHARLES L. PATTERSON, JR.
PRIMARY EXAMINER
GROUP 1800

Art Unit: 1652

EXAMINER'S AMENDMENT AND REASONS FOR ALLOWANCE

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Rachel Meidrich on October 14, 2005.

The application has been amended as follows:

Change claims 30-33 to read:

30. An isolated DNA consisting of a nucleotide sequence of nucleotide Nos. 279 to 1274 of SEQ ID NO:2.

31. An isolated DNA consisting of a nucleotide sequence of nucleotide Nos. 213 to 1274 of SEQ ID NO:2.

32. A recombinant vector comprising the DNA of:

(i) a nucleotide sequence of nucleotide Nos. 279 to 1274 of SEQ ID NO:2, or

(ii) a nucleotide sequence of nucleotide Nos. 213 to 1274 of SEQ ID NO:2.

33. An expression vector comprising

(a) the DNA of:

(i) a nucleotide sequence of nucleotide Nos. 279 to 1274 of SEQ ID NO:2, or

(ii) a nucleotide sequence of nucleotide Nos. 213 to 1274 of SEQ ID NO:2, and

(b) a promoter operably linked to said DNA.

In claim 36,

line 2,

delete "(a)",

delete "316" and insert therefor --332--,

lines 2-5, delete ", or...7.6";

Add the following new claims:

Art Unit: 1652

--42. An isolated DNA consisting of a nucleotide sequence that hybridizes to the complement of the nucleotide sequence of nucleotides Nos. 279 to 1274 of SEQ ID NO:2 under highly stringent conditions, which encodes a deoxyribonuclease having an endonuclease activity that cleaves DNA, at a pH range of from ca. 4.0 to ca. 7.6.

43. An isolated DNA consisting of a nucleotide sequence that hybridizes to the complement of the nucleotide sequence of nucleotides Nos. 213 to 1274 of SEQ ID NO:2 under highly stringent conditions, which encodes a primary translation product of a deoxyribonuclease which in mature protein form has an endonuclease activity that cleaves DNA, at a pH range of from ca. 4.0 to ca. 7.6.

44. A recombinant vector comprising the DNA of:

(i) a nucleotide sequence that hybridizes to the complement of the nucleotide sequence of nucleotides Nos. 279 to 1274 of SEQ ID NO:2 under highly stringent conditions, which encodes a deoxyribonuclease having an endonuclease activity that cleaves DNA, at a pH range of from ca. 4.0 to ca. 7.6, or

(ii) a nucleotide sequence that hybridizes to the complement of the nucleotide sequence of nucleotides Nos. 213 to 1274 of SEQ ID NO:2 under highly stringent conditions, which encodes a primary translation product of a deoxyribonuclease which in mature protein form has an endonuclease activity that cleaves DNA, at a pH range of from ca. 4.0 to ca. 7.6.

45. An expression vector comprising

(a) the DNA of:

(i) a nucleotide sequence that hybridizes to the complement of the nucleotide sequence of nucleotides Nos. 279 to 1274 of SEQ ID NO:2 under highly stringent conditions, which encodes a deoxyribonuclease having an endonuclease activity that cleaves DNA, at a pH range of from ca. 4.0 to ca. 7.6, or

(ii) a nucleotide sequence that hybridizes to the complement of the nucleotide sequence of nucleotides Nos. 213 to 1274 of SEQ ID NO:2 under highly stringent conditions, which encodes a primary translation product of a deoxyribonuclease which in mature protein form has an endonuclease activity that cleaves DNA, at a pH range of from ca. 4.0 to ca. 7.6, and

(b) a promoter operably linked to said DNA.

46. A transformant obtained by transforming a host cell with the expression vector of claim 45.

47. A method for producing the deoxyribonuclease, which comprises culturing the transformant of claim 46 in a medium and recovering the deoxyribonuclease from a resulting culture.

Art Unit: 1652

The following is an examiner's statement of reasons for allowance:

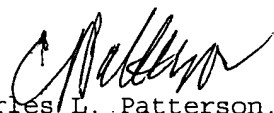
The examiner has been unable to find any prior art that would anticipate or make obvious the instant claims. The only art teaching these sequences (Eastman, et al. (AB) and Shiokawa, et al. (U)) was published after the effective filing date of this application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles L. Patterson, Jr., PhD, whose telephone number is 571-272-0936. The examiner can normally be reached on Monday - Friday from 7:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy, can be reached on 571-272-0928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Charles L. Patterson, Jr.
Primary Examiner
Art Unit 1652

Patterson
October 14, 2005